

Notice of Allowability

Application No.

10/662,010

Examiner

Robert Sellers

Applicant(s)

RIGHETTINI ET AL.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed September 9, 2005.
2. ☒ The allowed claim(s) is/are 8, 10 and 18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 905.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Edward F. Murphy III on September 21, 2005.

The application has been amended as follows:

Claim 8, last line, delete "and optionally an epoxy resin".

Claim 18, line 2, replace "4" with --4:1-- and replace "10" with --10:1--.

Cancel claims 9, 11-17 and 19-23.

Replace the abstract with the following new one presented on a separate page.

The following is an examiner's statement of reasons for allowance:

The 35 U.S.C. 112, second paragraph, rejection is rescinded since the amendment filed September 9, 2005 deletes the ethylenic unsaturated methacrylic ester 2) defined in claim 8, line 10, and the species of ethylenic unsaturated methacrylic ester of claim 10 are properly defined by the term "comprising."

The closest prior art to Charnock Patent No. 4,451,165; Japanese Patent No. 2001-261723, Rhighettini et al. Patent No. 5,932,638; Dawdy Patent No. 4,769,419; Abbey et al. Patent No. 5,641,834; Doe et al. Patent No. 6,730,411; European Patent No. 220,555; Japanese Patent No. 11-1663, Skoultchi et al. Patent No. 5,106,928 and Yamamoto et al. Patent No. 4,515,917 set forth monomers such as isobornyl methacrylate, butyl methacrylate and ethylhexyl methacrylate originally within the claimed C₃-C₁₀ alkyl monosubstituted methacrylate species of 1) or linear C₄-C₁₀ methacrylate of 2).

The amendment has limited the ethylenic unsaturated methacrylic ester to alkyl di-, tri- or tetra-substituted cyclohexyl methacrylates which precludes the closest prior art isobornyl methacrylate. Isobornyl methacrylate has been deleted among the species of claim 10.

Although Kindt-Larsen et al. Patent No. 4,910,259 names 3,3,5-trimethyl cyclohexyl methacrylate (col. 4, line 43 as defined in instant claim 10, line 3), no motivation is provided to distinguish the monomer within the large list of other monomers. Furthermore, a blend of monomers including the isobornyl methacrylate of Charnock, the Japanese patents and Skoultchi et al. is designated as preferred (col. 3, lines 39-41).


Art Unit: 1712

Accordingly, there is no incentive to employ the trisubstituted cyclohexyl methacrylate of Kindt-Larsen et al. as the monomer of the applied prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Sellers whose telephone number is (571) 272-1093. The examiner can normally be reached on Monday to Friday from 9:30 to 6:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Robert Sellers
Primary Examiner
Art Unit 1712

rs
9/28/2005

ABSTRACT OF THE DISCLOSURE

A two-part acrylic structural adhesive comprises a first package containing from about 10 to about 90 percent by weight of at least one ethylenic unsaturated methacrylic ester selected from the group consisting of 1) an alkyl mono-, di- or tetra-substituted cyclohexyl methacrylate, wherein the substitutions occur in either the 3, 4, and/or 5 ring positions, and 2) a linear or branched C₄-C₁₀ alkyl methacrylate; from about 10 to about 80 percent by weight of a toughener, and an adhesion promoter; and a second package containing a bonding activator, and, optionally, an epoxy resin.